

## **PRIVACY NOTICE**

### **WHO WE ARE**

Colfe's School ('the School') is a charitable company limited by guarantee registered in England and Wales (company number 5352523 and charity registration number 110960). For day-to-day communications, the school is referred to as Colfe's and the registered address is Horn Park Lane, London, SE12 8AW.

This privacy notice applies to Colfe's Educational Foundation and Colfe's Charitable Trust (charity number 275447). A separate Privacy Notice applies to Colfe's Leisure Services (company number 2586190).

### **WHAT THIS PRIVACY NOTICE IS FOR**

This policy is intended to provide information about how the School will use (or "process") personal data about individuals including: its staff, its current, past and prospective pupils and their parents, carers or guardians (referred to in this policy as "parents"), and philanthropic donors to Colfe's. Collectively, we refer to these individuals in the Privacy Notice as the School's community.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community. The School needs to process personal data as part of its everyday operations.

This Privacy Notice applies alongside any other information the School may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the School and its staff or the parents of pupils;
- the School's policy on taking, storing and using images of children;
- the School's CCTV policy;
- the School's retention of records policy;
- the School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the School's suite of IT policies.

Consent for Data handling relating to Covid testing and vaccinations is processed under a separate Privacy Statements.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and the School's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

### **RESPONSIBILITY FOR DATA PROTECTION**

The School has appointed the Bursar to deal with requests and enquiries concerning the School's use of your personal data (see section on Your Rights below) and to endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. The Bursar can be contacted

via email for issues arising from this notice at [bursar@colfes.com](mailto:bursar@colfes.com) or via post to the School.

## **WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA**

In order to carry out its ordinary duties to staff, pupils, parents and alumni, the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation. Some of this activity the School will need to carry out in order to fulfil its legal rights, duties or obligations for example those made under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the School's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special category data (see details below).

The processing of personal data by the School in accordance with its **legitimate interests** includes but is not limited to:

- The registration of prospective pupils and to confirm the identity of prospective pupils and their parents;
- The provision of educational services, educational support and other services, including musical education, physical training or spiritual development, career services, safeguarding of pupils' welfare, provision appropriate pastoral care, and monitoring pupils' progress and educational needs;
- The maintenance of relationships with alumni and the School community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests, and ability to offer financial support based on publicly available sources;
- The purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law, such as tax, diversity or gender pay gap analysis;
- The development of effective teaching and learning methods and to enable relevant authorities to monitor the School's performance and to intervene or assist as appropriate;
- The general administration of the School including to receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend and to provide such information and references to potential educational institutions or employers of past pupils;
- The protection and promotion of the School's legitimate interests and objectives, to enable pupils to take part in national or other assessments and to publish the results of public examinations or other achievements of pupils of the School;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- The monitoring (as appropriate) of the School's IT and communications systems in accordance with the School's IT Acceptable Use policy;
- The use of photographic images of pupils in School publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of children;
- The use of security, including CCTV in accordance with the School's CCTV Policy;
- Record keeping for regulatory / compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor;
- The commencement of or cooperation with any School or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, the School will on occasion need to process **sensitive or special category personal data**. This may include data about an individual's race or ethnic origin, religious beliefs, sexual life, criminal records and proceedings, trade union membership and relevant medical information including

details of an individual's physical and mental health, in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment or from time to time by explicit consent where required. These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of School trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a pupil;
- To monitor progress of pupils with protected characteristics and ensure the School is meeting its obligations under the Equality Act;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are special educational needs, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## **TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the School and staff members;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- nationality and other immigration status information (eg right to work / study), including copies of passport information;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in School activities, and images captured by the School's CCTV system (in accordance with the taking, storing and using images of children and CCTV policies.)

## **HOW THE SCHOOL COLLECTS DATA**

Generally, the School receives personal data from the individual directly including, in the case of pupils, from their parents. This may be via a form, or simply in the ordinary course of interaction or communication such as email or written assessments. However, in some cases personal data will be supplied by third parties, for example another school or other professionals or authorities working with that individual or collected from publicly available resources.

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH**

Occasionally, the School will need to share personal information, including special or sensitive personal data where appropriate, with third parties including but not limited to:

- appropriate contractors, such as visiting music teachers;
- the school's Parents and Friends Association (PAFA);
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards;
- Stage 3 complaints panels, which include independent panel members;
- government authorities (e.g. HMRC, Department for Education, CAF/CASS, police or the local authority);and
- appropriate regulatory bodies e.g. Teaching Regulation Agency, TNCTL, the Independent Schools Inspectorate, the CharityCommission or the Information Commissioner.

For the most part, personal data, collected by the School will remain within the School and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the School doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

### Medical data

The school needs to process such information to comply with statutory duties and to keep pupils and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate.

However, a certain amount of any SEND pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

### Safeguarding data.

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education or KCSIE (2022)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, low-level concerns records kept about adults, and in some cases referrals to relevant authorities such as the LADO or police.

KCSIE also requires that, whenever a child leaves the school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the school's Child Protection (Safeguarding) and Staff Code of Conduct Policy.

In accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

## **HOW LONG WE KEEP PERSONAL DATA**

The School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the School. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. In particular, there are currently requirements in relation to the Independent Inquiry into Child Sexual Abuse to maintain many records whilst the inquiry is ongoing.

The Data Retention, Storage and Disposal Policy, which is available on the School website, details how long we keep different types of your information. If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Bursar. However, please bear in mind that the School will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## **KEEPING IN TOUCH AND SUPPORTING THE SCHOOL**

The School's Development Office and alumni organisation, Old Colfeian Society, will use the contact details of parents, alumni and other members of the School community to keep them updated about the activities of the School, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the School will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School community, such as the Colfe's Parent's and Friends Association (PAFA), Colfe's Leisure Services and the Old Colfeian Society.
- Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the School and, where appropriate, other worthy causes;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential. The School may engage specialist agencies to undertake this research. These agencies gather information from publicly available sources and retain personal data no longer than is necessary to perform the activity.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Development Office in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **YOUR RIGHTS**

### Rights of access

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the School to stop processing it. These rights are however subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Bursar.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits which is one month in the case of requests for access to information.

The School will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

### Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. Generally, if the school still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

### Pupil requests

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the School, they have sufficient maturity to understand the request they are making (see section Whose Rights? Below and separate Pupil Privacy Notice). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the parent making the request may need to evidence their child's authority for the specific request. Pupils aged 13 and over are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The School may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children, in accordance with the School's Terms and Conditions. Where parents are separated, the School will in most cases aim to provide the same information to each person with parental responsibility, but may need to

factor in all the circumstances including the express wishes of the child.

All information requests from, on behalf of, or concerning pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

### Consent

Where the School is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or Terms and Conditions, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

### Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the School will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils, for example, under the parent contract or via a form. Parents and pupils should be aware that this is not necessarily the same as the School relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the School will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in the School's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the School may be under an obligation to maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise; for example where the School believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the School's IT Acceptable Use policy and the School rules. Staff are under professional duties to do the same covered under the relevant staff policy

## **DATA ACCURACY AND SECURITY**

The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the School office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the School may need to process your data, of who

you may contact if you disagree.

The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to School systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

### **THIS POLICY**

The School will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

### **QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Bursar at the School or via email ([bursar@colfes.com](mailto:bursar@colfes.com)).

If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School complaints or grievance procedure and should also notify the Bursar. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

**Date reviewed July 2023**